United Nations S/PV.5846

Security Council

Sixty-third year

Provisional

5846th meeting

Tuesday, 26 February 2008, 10 a.m.

New York

President:	Mr. Arias	(Panama)
Members:	Belgium	Mr. Verbeke
	Burkina Faso	Mr. Kafando
	China	Mr. Li Kexin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Jurica
	France	Mr. Lacroix
	Indonesia	Mr. Natalegawa
	Italy	Mr. Mantovani
	Libyan Arab Jamahiriya	Mr. Ettalhi
	Russian Federation	Mr. Churkin
	South Africa	Mr. Kumalo
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Mr. Khalilzad
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation in the Middle East, including the Palestinian question

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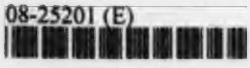

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Robert H. Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General.

It is so decided.

I invite Mr. Serry to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Holmes to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear briefings by Mr. Robert H. Serry, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General, and Mr. John Holmes, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I now give the floor to Mr. Serry.

Mr. Serry: It is an honour to brief the Security Council for the first time. I look forward to doing so regularly in the course of my tenure as Special Coordinator, in the service of the Secretary-General and the United Nations.

After two months in Jerusalem, I am deeply conscious of what is at stake today in the Middle East peace process. I am also impressed by the calibre and scale of the work of the United Nations on the ground in difficult, and even dangerous, circumstances. I am convinced of the importance of the United Nations playing its full political, development, humanitarian and human rights role.

I wish to thank President Abbas and Prime Minister Olmert and their Governments, as well as the Governments of Egypt and Jordan and the Secretary-General of the League of Arab States, for the warm welcome they have given me. I look forward to paying further introductory visits in the region. I also wish to express my appreciation to my Quartet partners and Quartet Representative Tony Blair for the support and cooperation they have extended to me.

Today, I will brief the Council on developments since the last report, on 30 January (see S/PV.5827), and offer an initial assessment of the situation. I turn first to the bilateral negotiations.

Israeli Foreign Minister Tzipi Livni and Palestinian lead negotiator Ahmad Qurei are meeting on a continuous basis. President Abbas and Prime Minister Olmert continue their fortnightly meetings. We welcome the determination of the parties to continue those negotiations despite challenges on the ground, and in an atmosphere of confidentiality. The talks need to make tangible progress on all core issues without exception.

I was also pleased to meet United States Lieutenant General William Fraser when he visited the region for the first time to lead United States efforts to monitor the implementation of phase I Road Map commitments, as agreed at Annapolis. I have offered full United Nations support to the United States-led monitoring process and look forward to regular Quartet consultation on it.

Palestinian Authority Prime Minister Fayyad and his Government continue to promote good governance and revive the economy. Steps this month included addressing electricity subsidies, the finalization of measures to ensure financial transparency and efforts to ensure that Palestinian Authority ministries and agencies develop coordinated and standardized project proposals. We remind donors of the urgency of their quickly disbursing the generous pledges made last December in Paris. Quartet Representative Tony Blair continues his work on economic development projects and other confidence-building measures.

Efforts to improve the security performance of the Palestinian Authority continue. Palestinian security forces carried out operations against militants in several West Bank cities. A Palestinian military court sentenced two individuals to 15 years in prison for killing two Israelis near Hebron in December. Israel stopped pursuing 32 Fatah militants after they surrendered to Palestinian Authority security forces and successfully completed a three-month trial period. The death of a Hamas detainee from what an official autopsy found was a heart attack has led to allegations of mistreatment of detainees by Palestinian Authority security forces. President Abbas has called for an investigation. Approximately 1,000 Palestinian Authority security officers are being trained in Jordan, with support from the United States security coordinator, with a view to their redeployment in April and May. The European Union Police Mission for the Palestinian Territories (EUPOL COPPS) continues to support the Palestinian civilian police and criminal justice system in the West Bank.

However, the security situation for both Israelis and Palestinians remains a matter of deep concern. One Israeli has been killed and 27 injured by Palestinian militants. Forty-five Palestinians have been killed and 139 injured during Israeli incursions into Gaza and the West Bank. I am particularly alarmed at the number of incidents on both sides where children are being killed or injured.

On 4 February, a suicide attack in Dimona by two bombers from Hebron, for which Hamas claimed responsibility, killed one Israeli and injured six others. Over 320 rockets and mortars have been fired from Gaza, with the town of Sderot again coming under particular attack. We unreservedly condemn indiscriminate rocket and mortar firing towards civilian population centres and crossing points, and suicide attacks against civilians, and call for their immediate cessation. Israeli interlocutors regard the continuation of such attacks as the biggest obstacle to progress in the peace process.

Corporal Gilad Shalit of the Israel Defense Forces (IDF) is in his twentieth month of captivity in Gaza, and Hamas continues to deny the International Committee of the Red Cross (ICRC) access to him. We call for access to be provided and for his release.

Over 10,000 Palestinian prisoners remain in Israeli prisons. President Abbas has appealed for further Palestinian prisoner releases, building on the steps already taken in that regard.

Israeli military operations into Gaza and the West Bank have continued throughout the reporting period. There have been several instances in which civilians have been killed or injured — including last Saturday, when three civilians were killed by a ground-to-ground missile fired into Beit Hanoun. Even if not intended, such casualties are deplorable and should be the subject of transparent investigation and accountability measures. While we are cognizant of Israel's security concerns, Israel is obliged not to take disproportionate measures or to endanger civilians. The United Nations principled opposition to extrajudicial killings is compounded by the frequency with which such operations are carried out in densely populated civilian areas.

Citing security concerns, the IDF is also continuing operations in the West Bank. Those actions undermine the Palestinian Authority's own security efforts. Improved IDF cooperation with the Palestinian Authority security forces in the West Bank is crucial.

In that context, the Office for the Coordination of Humanitarian Affairs (OCHA) has reported that there are 580 obstacles to Palestinian movement in the West Bank, a level that has stayed steady for many months, and has even increased, despite Palestinian Authority security efforts and Israeli pledges to remove obstacles. Closure levels must be reduced significantly if the Palestinian economy is to revive and if donor assistance is to produce long-term results.

Phase I of the Road Map, to which the parties recommitted at Annapolis, requires the Government of Israel to freeze all settlement activity, including "natural growth", and to remove all outposts erected since March 2001. However, construction continues in settlements throughout the West Bank, including in East Jerusalem. Tenders for new housing continue to be issued by the Israeli Government, and no outposts have been removed. Continued settlement activity is illegal anywhere in the occupied Palestinian territory and is an obstacle to peace. I should also inform the Council that settlement expansion was cited by several Palestinian and Arab interlocutors as among the biggest factors undermining confidence in the Annapolis process and prospects for a viable Palestinian State.

In the same vein, and despite the Road Map obligation to re-open Palestinian institutions in East

Jerusalem, an order was recently issued by the Israeli Government continuing their closure for a further six months. Israel should demonstrate with concrete and urgent steps its commitment to phase I of the Road Map, as called for by Quartet principals when they last met in Paris.

Construction work on the barrier continues within occupied Palestinian territory, in deviation from the Green Line and contrary to the International Court of Justice advisory opinion.

I now turn to the situation in Gaza, which is unacceptable and also unsustainable in humanitarian, human rights, security and political terms. The Under-Secretary-General for Humanitarian Affairs will brief the Council on the severe humanitarian situation in more detail. Several factors have created a dangerous cocktail for Israel, Egypt and the Palestinians, causing deep suffering and damaging prospects for a two-State solution.

The Hamas takeover last June violently removed the Palestinian Authority from Gaza, including from the crossings. A degree of order has been established, but the rule of law is absent. Major changes are taking place outside a legal framework. Many independent institutions have been closed, or replaced and restaffed so that they are controlled by Hamas but disconnected from their headquarters in Ramallah. The civilian justice system has ceased to function, as have important instruments of good governance and social regulation in Gaza. Allegations of human rights abuses in Gaza continue to be made by various Palestinian and international non-governmental organizations operating in the Strip.

Despite statements of intent, Hamas has not acted with sufficient determination to bring about an end to rocket attacks by militant groups. Hamas itself also carries out periodic rocket firing and regular mortar fire, to say nothing of the recent suicide bombing. Reports of smuggling continue to be of concern, as are reports of outside militant groups now gaining a foothold in Gaza. We continue to call on Hamas to live up to the responsibilities it has taken on itself and to choose the olive branch over the gun.

However, Israeli measures amounting to collective punishment are also not acceptable. We call on Israel to meet its obligations towards the civilian population of Gaza under international law.

The breach at Rafah at the end of January caused understandable relief in Gaza, as civilians sought basic commodities and a respite from the pressure cooker conditions under which they are forced to live. Egypt moved to re-establish order along the border earlier this month. But the situation remains extremely fragile. Unless addressed, it will remain a danger to the safety, security and well-being of the Palestinian population, to the security of Egypt and of Israel, and to the sustainability of the political process itself. Only yesterday, several thousand people protested against the conditions they face, and the Israel Defense Forces increased its military presence in areas surrounding the Strip.

In the light of these developments, the United Nations has actively made the case with all parties and our Quartet partners that a different and more positive strategy for Gaza is required.

To this end, Quartet envoys are agreed that we should now work towards resumption of normal economic life for the people of Gaza, pursue arrangements that ensure the security of Israel, Egypt and the Palestinians, and support the legitimate Palestinian Authority. Rocket fire and suicide attacks should cease, as should all acts of violence, so that an atmosphere of calm is created. The humanitarian needs of the civilian population must be met, including the uninterrupted provision of essential goods and services, including fuel and power supplies. Stalled United Nations and other projects in Gaza should resume, and the movement of United Nations and humanitarian personnel needs to be facilitated. Conditions need to be established to allow the reopening of crossings, as envisaged in the Agreement on Movement and Access.

It is therefore of crucial importance now that Israel, Egypt and the Palestinian Authority develop a positive strategy for Gaza designed to achieve those goals. Quartet members, individually and collectively, are ready to provide support for such efforts, including the European Union Border Assistance Mission at Rafah, as appropriate. Egypt's efforts along the border and diplomatically to find durable solutions to this crisis are to be commended. The Quartet has also stated publicly its strong support for the proposal of the Palestinian Authority to resume operations at the crossings.

Turning to the regional aspect, the Governments of Egypt and Jordan and the Secretary-General of the

League of Arab States have underlined the importance of the continued commitment of Arab countries to the Arab Peace Initiative. However, they have stressed their growing concern regarding the direction of the peace process, as well as developments in Gaza, and regarding the implications for the region should the peace process not succeed.

During the reporting period, the situation in the occupied Syrian Golan has remained largely quiet, other than an incident on 11 February in which two Syrian youths, residents in the Golan, were shot by an Israeli soldier and subsequently treated in hospital.

I should add that I am not briefing on Lebanon this month in view of the forthcoming report of the Secretary-General on the implementation of resolution 1701 (2006).

Allow me to conclude with some brief personal impressions. From what I have seen in several field visits, including to the West Bank, Gaza and southern Israel, ordinary people, understandably, have little confidence that the political process is delivering.

In the West Bank, including East Jerusalem, the imposing presence of the barrier, the expanding settlements, the unremoved outposts, the system of closures and constant military incursions have grave implications for the human rights, economic life and social fabric of the entire population. In Gaza, the deprivations of basic human dignity are even more acute, and the sense of abandonment and frustration is palpable.

In southern Israel, communities that believed Israel's disengagement from Gaza would bring security face daily rocket attacks, while Israelis generally continue to believe that they must primarily rely on Israeli security measures for their safety. In the region, there is a growing sense of disquiet about the state of the political process.

I applaud the sense of responsibility and indeed political courage that Prime Minister Olmert and President Abbas have shown in re-embarking on the political process despite public scepticism and many anxieties. The Annapolis process needs to proceed, and it needs support. The international community should do everything it can to ensure that the parties move ahead in the bilateral negotiations towards an agreement on all core issues without exception.

But the Annapolis process can be sustained only by real changes on the ground. First, a major intensification of efforts in the West Bank is required, including more substantial and urgent Israeli actions and continued and intensified efforts by the Palestinian Authority, in accordance with phase I of the Road Map. Secondly, we believe a different and more positive strategy for Gaza is a humanitarian, security and strategic imperative, for Israel, Egypt and the Palestinian Authority, and we welcome the united engagement of the Quartet on this issue.

We will continue to remind all parties of the framework of international law and to work closely with Quartet partners, countries of the region and the Council towards implementation of the Road Map. The goal must be an end to the occupation that began in 1967, the coexistence in peace and security of the State of Israel and the State of Palestine and a comprehensive regional peace, in fulfilment of resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), and the Arab Peace Initiative.

The President (*spoke in Spanish*): I thank Mr. Serry for that important information. We wish him every success in his new functions. I now give the floor to Mr. John Holmes.

Mr. Holmes: Thank you, Mr. President, for this opportunity to brief the Council on my visit to the occupied Palestinian territory and Israel from 14 to 18 February. I spent a day in Gaza, a day in the West Bank and a morning in Sderot in southern Israel. I also called on Israeli Government officials, the Prime Minister of the Palestinian Authority and others and held intensive discussions with the United Nations and other humanitarian agencies and non-governmental organizations working in both the West Bank and Gaza and with representatives of civil society.

I found conditions for the people of Gaza grim and miserable, and far from normal. Eight months of severe restrictions on the movement of goods and people entering and leaving the territory, following the Hamas takeover in June 2007, have taken a heavy economic and social toll, coming on top of years of difficulty and economic decline. Whilst the most basic humanitarian goods, particularly food aid, have mostly continued to struggle through, other imports have been progressively closed off, including critical spare parts and raw materials such as cement. Only about 10 per cent of what went into Gaza in January 2007 was allowed to enter in January 2008. In addition, in

October, Israel started to reduce the flow of industrial diesel used to operate the single power station in Gaza. In February, the amount of electricity supplied to Gaza from Israel was also reduced. Since June 2007, the movement of Palestinians in and out of Gaza has been virtually impossible, apart from the short period when the Rafah wall was down, and with limited exceptions made for urgent medical cases, pilgrims, those with student and work visas and foreign residence documentation.

The consequences are increasingly severe and visible. Almost 80 per cent of the population are now receiving food aid; most industry and agriculture has collapsed, raising unemployment and poverty to new heights; frequent and lengthy power cuts severely impair the functioning of essential services and infrastructure; water quality is declining rapidly, where water is available at all; the inadequacies of the sewage system are increasingly exposed, with a real risk of a sewage lagoon at Beit Lahiya collapsing; the medical and education systems are teetering on the edge of failure, as lack of equipment, spare parts and qualified staff, and psychological strains, undermine their functioning.

Vulnerability of the weakest to disease is rising, notably among children, who make up more than half of the population of Gaza. For instance, in October 2007 the number of children under the age of 3 diagnosed with diarrhoea increased by 20 per cent compared to the previous year, and anaemia among children is up by 40 per cent. This bleak situation is further compounded by bureaucratic difficulties between the Palestinian Authority and those administering health care, for example, in Gaza.

The Israeli Government has said that, while there are security concerns about the crossing points themselves, which have been fired on and through which attempts have been made to smuggle arms and potential bombers, the main motivation for the restrictions is the continuing firing of Qassam rockets from Gaza. My visit to Sderot, which has been the target of more than 4,300 rockets since 2004, brought out the physical and psychological damage to the population there from this constant barrage. These crude rockets are aimed at hurting civilians and clearly constitute terrorism. Their continued firing is completely unacceptable and must be halted unconditionally. Hamas, which claims to govern the Gaza Strip, must accept its full share of responsibility for the suffering in Gaza. Above all, it must act to stop these rockets immediately.

However, I also made clear publicly and privately my view that, whatever the provocation and illegality of the rockets, the effective Israeli isolation of Gaza is not justified, given Israel's continuing obligations to the people of Gaza. It amounts to collective punishment and is contrary to international humanitarian law. Moreover, it does not appear to be having the desired effect, either in halting the rockets or in weakening Hamas's position among the people of Gaza, or more widely. Only those who want to see further radicalization can be happy with the present situation.

Meanwhile, the consequences for civilians on both sides are dramatic, not only through the imposed restrictions and the continuous firing of rockets, but also through the resulting repeated incursions into and military clashes inside Gaza, which cause many civilian casualties, however unintended they might be. The fundamental principles of distinction between combatants and non-combatants and of proportionality in attacks during the conduct of hostilities must be respected by all sides.

The current situation in Gaza is not sustainable and is extremely damaging to the prospects for the current peace process. Only political efforts can change this dynamic. Meanwhile, from a humanitarian point of view, while a return to the 2005 Agreement on Movement and Access is what is really needed, I pressed the Israeli Government and the Palestinian Authority at least to ensure that more humanitarian and other goods are allowed in, on a more predictable and systematic basis. I made the same message clear to Hamas in what I said publicly.

This means reopening the crossings and establishing better mechanisms for identifying and addressing the fundamental needs of the population. In particular, I asked that the materials necessary for the restart of $213 million worth of frozen humanitarian United Nations projects, in areas such as sanitation, housing, education and health, be allowed in by Israel and that spares and equipment for medical and sanitation services be given priority. There were some indications that the Israeli authorities are willing to respond positively to these requests.

I would add that the proposals of the Palestinian Prime Minister, Salam Fayyad, for the reopening of the key Karni crossing — the only one with adequate infrastructure to process large quantities of goods appropriately and effectively — deserve all our support. A properly negotiated role is also necessary

for the Rafah crossing, a role which does not give credence to the idea that Israel can hand over its responsibilities and obligations for Gaza to Egypt or any other State or authority. Arrangements which ensure proper screening for goods passing in both directions through the crossings, to meet Israel's security concerns, should be possible, if necessary with appropriate international support.

The conditions of life I saw in the West Bank were obviously better than those in Gaza, but the situation there is of no less fundamental humanitarian concern. I had read about the barrier, the settlements, the permit regime and the access closures, but that had not prepared me for the visible and tangible reality on the ground.

The combination of the construction of the barrier, the steady expansion of the settlements, all still illegal, and the now 580 separate checkpoints and blockages within the West Bank is fragmenting communities. It seriously impairs the access of tens of thousands of people to their lands and to essential services, not least medical services. Severe restrictions on the movement of goods and people are affecting economic growth, as well as increasing poverty and food insecurity and reducing health standards. They further threaten the viability of a future Palestinian State.

In my meetings with Palestinians in the West Bank, I felt that the despair and sense of humiliation and injustice were no less than in Gaza. This was particularly evident from my visit to Hebron, where the presence of a relatively small group of 600 settlers and the considerable security arrangements put in place to ensure their protection have divided the city and severely affect the economy and the lives of its citizens. Representatives of Palestinian civil society throughout the West Bank appealed passionately to the United Nations, through me, to do something about their plight and their lack of a viable future, as they saw it.

Israel has legitimate security concerns and a right and duty to defend its citizens. But even in such circumstances, security cannot override all other concerns or justify so much damage to ordinary people's livelihoods and infringements of their human dignity and human rights. Israel has obligations towards the Palestinian population under occupation. I therefore pressed the Israeli authorities to begin implementing their commitments to ease at least some of the restrictions.

Looking at these deteriorating realities on the ground in Gaza and the West Bank, as well as in Sderot, the disconnect between these realities and the hopes and aims of the continuing peace talks seemed almost total and, indeed, risks making a mockery of the readiness of the international community to invest $7.7 billion in the economic development of the occupied Palestinian territory. As the Special Coordinator has stressed, unless this chasm is bridged quickly and the humanitarian indicators begin to rise and create some sense of hope for the future, the chances of success in the peace talks may be fatally undermined, no matter how great the sincerity and ingenuity of all concerned. And we desperately need those talks to succeed this year. The alternative comforts only the extremists.

Notwithstanding all the difficulties, the humanitarian community will continue to do all it can to respond to the moral imperative of saving and improving lives and preserving human dignity. The United Nations Relief and Works Agency for Palestine Refugees in the Near East and the other agencies and NGOs working in Gaza, in particular, are doing a heroic job under circumstances that are difficult and dangerous, not least due to the imposed restrictions on the movement and access of United Nations staff, which are too often not consistent with the immunities and privileges to which they are entitled.

Meanwhile, I also appeal to the donor community to continue to respond generously to what has now become the third largest annual consolidated appeal for humanitarian funds, after Darfur and the Democratic Republic of the Congo.

Finally, I appeal to the Security Council to continue to speak up about the consequences for civilians, in both the occupied Palestinian territory and Israel, of what is happening and about the overriding duty on all sides to comply with international humanitarian law and the resolutions of this Council.

The President (*spoke in Spanish*): I thank Mr. Holmes for his important briefing and the critical information he provided on the situation in Gaza.

In accordance with understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.40 a.m.